

### **REMARKS**

This is in response to the Office Action dated November 29, 2006, in which claims 1-25 were rejected. With this Amendment and Response, claims 1, 9, 12, 15, 17, 19, 22, and 24 have been amended, and claims 1-25 are currently pending. No new matter has been added. In view of the foregoing amendments and following remarks, the applicant respectfully requests advancement of this application to allowance.

#### **I. Rejections under 35 U.S.C. § 102**

##### **A. Claims 1-7**

In the Office Action, claims 1-7 were rejected under 35 U.S.C. § 102(e) as being anticipated by the Estes patent application (US Publication No. 2003/0114836). Applicant traverses this rejection and do not concede any characterizations of the pending claims or prior art set forth in the office action.

In the "Response to Arguments" listed on page 9 of the outstanding office action states that the features upon which the Applicant relies (i.e., entering pump parameters into a table on a user interface and then downloading those pump parameters into a pump) are not recited in the rejected claim. The applicants traverse this characterization of the claims, but to expedite examination have amended the claim to clarify that the operating parameter is entered into a cell on a user interface displayed by the computer. This amendment is intended to be clarifying and is not intended to narrow the original scope of the claims.

Accordingly, independent claim 1 recites "generating a table on [a] computer, the table containing a row, the row having a plurality of cells" and "receiving an operating parameter entered into at least one of the cells by a user."

Estes fails to teach or suggest this combination of elements. Rather, Estes shows in FIG. 3A a list of settings 300 of a bolus estimator 128. Para. 54. The list of settings can be fixed or variable. Para. 54. For example, one or more of the settings can follow a profile that changes over the course of a day. Para. 54. In other words the potentially variable nature of the list of settings 300 is a result of the bolus estimator 128 following a profile.

Therefore, Applicant respectfully submits that Claim 1 (and dependent claims 2-7) is patentably distinct from Estes and requests withdrawal of the pending rejection.

**B. Claim 8**

In the Office Action, claim 8 was rejected under 35 U.S.C. § 102(e) as being anticipated by the Estes patent application (US Publication No. 2003/0114836). Applicant respectfully traverses this rejection and do not concede any characterizations of the pending claim or prior art set forth in the office action.

Claim 8 sets forth storing the plurality of data sets in memory; selecting one of the plurality of data sets; and running a delivery program wherein the delivery program executes the operating parameters in the selected one of the plurality of data sets.

In sharp contrast, Estes discloses only a single data set. The office action implies that SUSPEND, BOLUS, and BASAL are separate data sets. However, these are separate functions of which the corresponding parameters correspond to a single data set, not separate data sets as defined in the pending claims.

Therefore, Applicant respectfully submits that Claim 8 is patentably distinct from Estes and requests withdrawal of the pending rejection.

**C. Claims 9-11**

In the Office Action, claims 9-11 were rejected under 35 U.S.C. § 102(e) as being anticipated by the Estes patent application (US Publication No. 2003/0114836). Applicant respectfully traverses this rejection and do not concede any characterizations of the pending claims or prior art set forth in the office action.

In the "Response to Arguments" listed on page 9 of the outstanding office action states that the features upon which the Applicant relies (i.e., entering pump parameters into a table on a user interface and then downloading those pump parameters into a pump) are not recited in the rejected claim. The applicants traverse this characterization of the claims, but to expedite examination have amended the claim to clarify that the table is generated on a user interface. This amendment is intended to be clarifying and is not intended to narrow the original scope of the claims.

Accordingly, independent claim 9 recites a data processor programmed to "generate a table on a user interface, the table containing a row, the row having a

plurality of cells” and to “receive data from the data entry device into one or more of the cells.”

Estes fails to teach or suggest this combination of elements. Rather, Estes shows in FIG. 3A a list of settings 300 of a bolus estimator 128. Para. 54. The list of settings can be fixed or variable. Para. 54. For example, one or more of the settings can follow a profile that changes over the course of a day. Para. 54. In other words the potentially variable nature of the list of settings 300 is a result of the bolus estimator 128 following a profile.

Therefore, Applicant respectfully submits that Claim 9 (and dependent claims 10 and 11) is patentably distinct from Estes and requests withdrawal of the pending rejection.

**D. Claims 12-25**

In the Office Action, claims 12-25 were rejected under 35 U.S.C. § 102(e) as being anticipated by the Estes patent application (U.S. Publication No. 2003/0114836). Applicant respectfully traverses this rejection and do not concede any characterizations of the pending claims or prior art set forth in the office action.

With respect to claims 12-23, the “Response to Arguments” set forth on page 9 of the outstanding office action argues that Estes teaches selecting or assigning the name of a function (e.g., SUSPEND) and that the uniquely identified name is a part of the data set. Applicants have amended the claims to clarify that the term “unique” should read “user-defined.” As illustrated by the table cell 674 in Figure 30D of the specification, the user enters a unique, user-defined name to identify the data set. This amendment is clarifying and is not intended to narrow the original scope of the pending claims.

Claim 12 recites a method including storing a data set in memory, selecting the user-defined identifying name, and running the delivery program. The data set includes a set of operating parameters defining a delivery schedule, at least one of the operating parameters being a user-defined identifying name.

Claim 19 recites an infusion pump comprising a pump mechanism, memory, and a processor. The memory stores a data set including a set of operating parameters defining a delivery schedule, at least one of the operating parameters being a user-defined identifying name.

Estes fails to teach or suggest these combinations of elements. The Office Action asserts that the Estes patent application teaches a uniquely identifying name, and gives three examples including BOLUS, SUSPEND, and BASAL. (OA 11/29/2006, page 6.) The Office Action further asserts that the uniquely identifying name is a part of the data set. (OA 11/29/2006, pages 9-10.) These names are predefined names that are typically established by the pump manufacturer and are not user-defined as set forth in the pending claims.

Therefore, Applicant respectfully submits that Claim 12 (and dependent claims 13-18) and Claim 19 (and dependent claims 20-25) are patentably distinct from Estes and requests withdrawal of the pending rejection.

#### Conclusion

In light of the foregoing amendments and remarks, the applicant respectfully request advancement of this application to allowance. The applicant notes that there may be other reasons that the claimed invention is patentably distinct from the cited references in addition to those raised herein, and reserves the right to raise any such reasons in the future. Please feel free to contact the undersigned if there are any questions.

Respectfully Submitted,

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